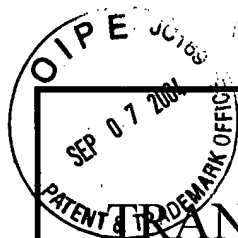


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Express Mail Mailing Label No. EV399912750US



# TRANSMITTAL FORM

Application Serial Number	10/005,212
Filing Date	December 4, 2001
First Named Inventor	Gillies
Group Art Unit	1646
Examiner Name	P. M. Mertz
Attorney Docket No.	LEX-002C1

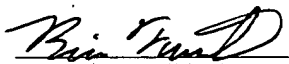
## ENCLOSURES (check all that apply)

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Check Attached<br><input type="checkbox"/> Copy of Fee Transmittal Form<br><br><input type="checkbox"/> Amendment/Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Information Disclosure Statement Form 1449<br><input type="checkbox"/> Copies of IDS Citations<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)<br><br><input type="checkbox"/> Formal Drawing(s)<br><br><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition<br><br><input type="checkbox"/> To Convert to a Provisional Application<br><br><input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application<br><br><input type="checkbox"/> Small Entity Statement<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> After Allowance Communication to Group | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Return receipt postcard<br><br><input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8<br><input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)<br><input checked="" type="checkbox"/> Application for Patent Term Adjustment |
|--|---|--|

## CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
 Fax No.: (617) 248-7100

## SIGNATURE BLOCK

Respectfully submitted,  
  
 Brian A. Fairchild, Ph.D.  
 Attorney for Applicant(s)  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110

Date: September 7, 2004  
 Reg. No. 48,645  
 Tel. No.: (617) 248-7697  
 Fax No.: (617) 248-7100

	<b>Complete if Known</b>		
	Application Serial Number	10/005,212	
	Filing Date	December 4, 2001	
	First Named Inventor	Gillies	
	Group Art Unit	1646	
	Examiner Name	P. M. Mertz	
		Attorney Docket No.	LEX-002C1

METHOD OF PAYMENT				FEE CALCULATION (continued)																																							
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other				3. ADDITIONAL FEES																																							
2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.																																											
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CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100	Respectfully submitted  Date: September 7, 2004 Reg. No.: 48,645 Tel. No.: (617) 248-7697 Fax No.: (617) 248-7100 Brian A. Fairchild, Ph.D. Attorney for the Applicants Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110



Express Mail Mailing Label No. EV399912750US

PATENT  
Attorney Docket No.: LEX-002C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Gillies *et al.* CONF. NO.: 6802  
SERIAL NO.: 10/005,212 GROUP NO.: 1646  
FILING DATE: December 4, 2001 EXAMINER: P.M. Mertz  
TITLE: Heterodimeric Fusion Proteins Useful for Targeted Immune  
Therapy and General Immune Stimulation

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Application for Patent Term Adjustment**  
**under 35 U.S.C. § 154(b) and 37 C.F.R. § 1.705(b)**

Sir:

This is a request for reconsideration of the patent term adjustment indicated in the Notice of Allowance of June 8, 2004, for the above-referenced patent application. A copy of the Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) is attached and labeled "Exhibit 1."

In accordance with 37 C.F.R. § 1.705(b)(1), Applicants enclose the fee set forth in 37 C.F.R. § 1.18(e). Please charge any deficiency and credit any overpayment to deposit account 20-0531.

Applicants provide the following statement of facts in accordance with 37 C.F.R. § 1.705(b)(2):

**37 C.F.R. § 1.705(b)(2)(i)**

1. Applicants submit that the correct patent term adjustment under 35 U.S.C. § 154(b) up to the mailing date of the Notice of Allowance is **291** days. The basis for the adjustment is as follows:

Under 37 C.F.R. § 1.702(a)(1), the USPTO failed to mail at least one of a notification under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151 before the expiration of fourteen months after the date on which the application was filed.

09/10/2004 RHEBRAH1 00000067 10005212 200.00 0P  
01 FC:1455

37 C.F.R. §§ 1.705(b)(2)(ii) and 1.703(a)

2. The relevant dates under 37 C.F.R. § 1.703(a)(1) specifying the period of adjustment under 37 C.F.R. § 1.702(a)(1) are as follow:

Adjustment under 37 C.F.R. § 1.702(a)(1)

- |  |                  |
|--|------------------|
| i. Filing date of this application:  | December 4, 2001 |
| ii. Day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. § 111(a): | February 5, 2003 |
| iii. Date of mailing of first action under 35 U.S.C. § 132:  | January 14, 2004 |
| The number of days in the period beginning on February 5, 2003, and ending on January 14, 2004, is                         |                  |
|  | <b>344 days.</b> |

37 C.F.R. § 1.705(b)(2)(iii)

3. Applicants submit that the patent to be issued is subject to a terminal disclaimer, which disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the full statutory term of U.S. Patent No. 6,617,135.

37 C.F.R. § 1.705(b)(2)(iv)

4. Applicants believe that there were two circumstances that may constitute a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in 37 C.F.R. § 1.704. These two circumstances are as follow:

A. Reduction of Period of Patent Term Adjustment under 37 C.F.R. § 1.704(b)

- |  |                  |
|--|------------------|
| i. Date the Notice to File Missing Parts of Nonprovisional Application was mailed to the applicant:                                  | January 31, 2002 |
| ii. Day after the date that is three months from the mailing date of the Notice to File Missing Parts of Nonprovisional Application: | May 1, 2002      |
| iii. Date the reply to the Notice to File Missing Parts was filed ("Date in" on Express Mail Mailing Label):                         | May 31, 2002     |
| The number of days in the period beginning on May 1, 2002, and ending on May 31, 2002, is  |                  |
|  | <b>31 days.</b>  |

Applicants attach a copy of the submission of May 31, 2002, labeled "Exhibit 2," including the postcard indicating that the Office accorded the submission a filing

date of May 31, 2002, and a copy of the "Express Mail" mailing label showing a "date in" of May 31, 2002.

Applicants submit that all other replies to any notice or action by the USPTO were filed within the three-month period set forth in 37 C.F.R. § 1.704(b).

B. Reduction of Period of Patent Term Adjustment under 37 C.F.R. § 1.704(c)(8)

- |   |                 |
|---|-----------------|
| i. Filing date of Amendment and Response:                                     | April 14, 2004  |
| ii. Day after the date that the Amendment and Response was filed:             | April 15, 2004  |
| iii. Date the Fourth Supplemental Information Disclosure Statement was filed: | May 6, 2004     |
| The Number of days beginning on April 15, 2004, and ending on May 6, 2004, is | <b>22 days.</b> |

37 C.F.R. §§ 1.705(b)(2)(ii) and 1.703(f)

5. The adjustment as specified in 37 C.F.R. § 1.703(f) to which the patent is entitled is the period of 344 days calculated under 37 C.F.R. § 1.703(a)(1), less the sum of the 31 and 22 day periods calculated under 37 C.F.R. § 1.704.

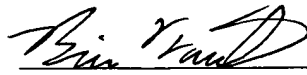
Accordingly, Applicants submit that the patent is entitled to a patent term adjustment of  $344 - (31+22) = \underline{291}$  days, running from the expiration date of the patent as set forth in 35 U.S.C. § 154(a)(2).

If, for any reason, this Petition is found not to comply with the requirements of 37 C.F.R. § 1.705, or is otherwise found improper, it is requested that the undersigned attorney be contacted by telephone.

Respectfully submitted,

Date: September 7, 2004  
Reg. No. 48,645

Tel. No.: (617) 248-7697  
Fax No.: (617) 248-7100

  
\_\_\_\_\_  
Brian A. Fairchild, Ph.D.  
Attorney for Applicant(s)  
Testa, Hurwitz, & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110



# UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,212	12/04/2001	Stephen D. Gillies	LEX-002C1	6802

021323 7590 06/08/2004  
TESTA, HURWITZ & THIBEAULT, LLP  
HIGH STREET TOWER  
125 HIGH STREET  
BOSTON, MA 02110

EXAMINER

MERTZ, PREMA MARIA

ART UNIT	PAPER NUMBER
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1646

DATE MAILED: 06/08/2004

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 274 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 274 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



BEST AVAILABLE COPY

LEX-002C1  
(4006/13)

The "RECEIVED" stamp of the Patent Office imprinted hereon acknowledges the filing of:  
Transmittal Form (1 pg); Fee Transmittal Form (1 pg); a Check in the amount of \$980.00 and a Check in the amount of \$290.00; Petition for a Two Month Extension of Time (1 pg); Second Preliminary Amendment (2 pgs); Response to Notice to File Missing Parts (2 pgs); a Copy of the Notice to File Missing Parts (1 pg); and this return receipt postcard all mailed under Express Mail Label No. EL953455462US.

Name of Applicant: Gillies et al.

Intf. or Serial Number: 10/005,212

Atty: PRHWaller/SMehtani

Date: May 31, 2002  
2376573

LEX-002C1  
(4006/13)

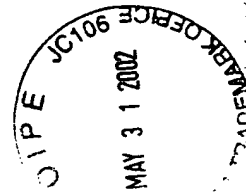
The "RECEIVED" stamp of the Patent Office imprinted hereon acknowledges the filing of:  
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Atty: PRHWaller/SMehtani

Date: May 31, 2002  
2376573



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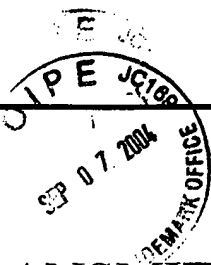
**FOR PICKUP OR TRACKING CALL 1-800-222-1811**

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**SHAW**

**CHIEF**



TRANSMITTAL  
FORM

Application Serial Number	10/005,212
Filing Date	December 4, 2001
First Named Inventor	Gillies
Group Art Unit	1646
Examiner Name	Not Yet Assigned
Attorney Docket No.	LEX-002C1
Patent No.	Not applicable
Issue Date	Not applicable

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Checks Attached (2) <input type="checkbox"/> Copy of Fee Transmittal Form  <input checked="" type="checkbox"/> Amendment/Response <input checked="" type="checkbox"/> Preliminary (2 pgs) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____]  <input checked="" type="checkbox"/> Petition for Extension of Time  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)  <input type="checkbox"/> Formal Drawing(s)  <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal  <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> CD(s) for large table or computer program  <input type="checkbox"/> Amendment After Allowance  <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences  <input type="checkbox"/> Appeal Brief (in triplicate)  <input type="checkbox"/> Status Inquiry  <input checked="" type="checkbox"/> Return Receipt Postcard  <input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8  <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8  <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)  Response to Notice to File Missing Parts (2 pgs.)
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## CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110  
Tel. No.: (617) 248-7000  
Fax No.: (617) 248-7100

## SIGNATURE BLOCK

Date: May 31, 2002  
Reg. No. 41,418  
Tel. No.: (617) 248-7240  
Fax No.: (617) 248-7100

Respectfully submitted,

*Pat R H Wall*  
Patrick R. H. Waller, Ph.D.  
Attorney for Applicant(s)  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110

SEP 07 2004  
FEE TRANSMITTAL

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PATENT & TRADEMARK OFFICE

Express Mail Label No. EL953455462US

Complete if Known

Application Serial Number	10/005,212
Filing Date	December 4, 2001
First Named Inventor	Gillies
Group Art Unit	1646
Examiner Name	Not Yet Assigned
Attorney Docket No.	LEX-002C1

**METHOD OF PAYMENT**

1. ☒ Payment Enclosed:  
☒ Checks (2) ☐ Money Order ☐ Other

2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.  
☐ Required Fees (copy of this sheet enclosed).  
☒ Additional fee required under 37 CFR 1.16 and 1.17.  
☒ Overpayment Credit.  
3. ☐ Applicant claims small entity status.

**FEE CALCULATION**

**1. FILING FEE**

Large Entity Fee (\$)	Fee Description	Fee Paid
740	Utility filing fee	740.00
330	Design filing fee	
160	Provisional filing fee	

	Number Filed	Number Extra	Rate	Amount
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Total Claims - 20 = x \$ 18.00 =

Independent Claims - 3 = x \$ 84.00 =

☐ Multiple Dependent Claim(s), if any \$280.00 =

TOTAL: 740.00

SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$) 740.00

**2. AMENDMENT CLAIM FEES**

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
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Total - = x \$ 18.00 =

Indep. - = x \$ 84.00 =

☐ First Presentation of Multiple Dep. Claim + \$280.00 =

TOTAL: (\$)

SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$) 740.00

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	130.00
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
110	55	Extension for reply within first month	
400	200	Extension for reply within second month	400.00
920	460	Extension for reply within third month	
1440	720	Extension for reply within fourth month	
1960	980	Extension for reply within fifth month	
320	160	Notice of Appeal	
320	160	Filing a brief in support of an appeal	
280	140	Request for oral hearing	
130	130	Petitions to the Commissioner	
180	180	Submission of Information Disclosure Statement	
740	370	Filing a submission after final rejection (37 CFR 1.129(a))	
740	370	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	

Other fee (Specify)

Other fee (Specify)

SUBTOTAL (3) (\$) 530.00

SUBTOTAL (1) 740.00

SUBTOTAL (2)

SUBTOTAL (3) 530.00

TOTAL (\$) 1270.00

**CORRESPONDENCE ADDRESS**

Direct all correspondence to:

Patent Administrator  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower-125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
 Fax No.: (617) 248-7100

**SIGNATURE BLOCK**

Date: May 31, 2002  
 Reg. No.: 41,418  
 Tel. No.: (617) 248-7240  
 Fax No.: (617) 248-7100

Respectfully submitted,  
*Pat H. Wall*  
 Patrick R. H. Waller, Ph.D.  
 Attorney for the Applicants  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower-125 High Street  
 Boston, MA 02110



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**Testa, Hurwitz & Thibault, LLP**  
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Boston, MA 02110

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Boston, Massachusetts 02110

208034  
Date: April 30, 2002

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LEX-002C1

Testa, Hurwitz & Thibault, LLP

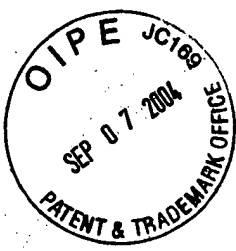
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U.S. Serial No. 10/005,212 **EXPRESS MAIL**  
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*Joseph A. Hugg*

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Boston, MA 02110

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Boston, Massachusetts 02110

5-39/110

Date:

May 31, 2002

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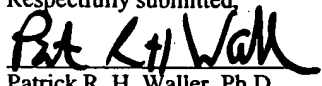
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<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		<b>Attorney Docket Number</b> LEX-002C1										
In re Application of Gillies et al.												
Application Serial No. 10/005,212												
Filed: December 4, 2001												
Group Art Unit: 1646	Examiner: Not Yet Assigned											
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response in the above entitled application.</p> <p>The requested extension and appropriate non-small-entity fee are as follows (check time period desired)</p> <table><tr><td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td><td>\$</td></tr><tr><td><input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td><td>\$ 400.00</td></tr><tr><td><input type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td><td>\$</td></tr><tr><td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td><td>\$</td></tr><tr><td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td><td>\$</td></tr></table> <p><input type="checkbox"/> Applicant claims small entity status under 37 CFR 1.27, therefore the fee amount shown above is reduced by one-half, and the resulting fee is: \$_____.</p> <p><input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> The Commissioner is hereby authorized to charge the required fee to Deposit Account No. 20-0531. Enclosed is a duplicate of this sheet.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 20-0531.</p> <p><input checked="" type="checkbox"/> Return receipt postcard enclosed.</p> <p>I am the <input type="checkbox"/> assignee of record of the entire interest. <input type="checkbox"/> applicant. <input checked="" type="checkbox"/> attorney or agent of record. <input type="checkbox"/> attorney or agent under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a). _____</p>			<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$	<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ 400.00	<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$	<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$	<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$											
<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ 400.00											
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$											
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$											
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$											
<b>CORRESPONDENCE ADDRESS</b>		<b>SIGNATURE BLOCK</b>										
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100		Respectfully submitted,  Patrick R. H. Waller, Ph.D. Attorney for Applicant(s) Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110										

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PATENT  
Attorney Docket No. LEX-002C1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Gillies et al.  
SERIAL NO.: 10/005,212 GROUP NO.: 1646  
FILING DATE: December 4, 2001 EXAMINER: Not Yet Assigned  
TITLE: HETERODIMERIC FUSION PROTEINS USEFUL FOR TARGETED  
IMMUNE THERAPY AND GENERAL IMMUNE STIMULATION

Commissioner for Patents  
Washington, D.C. 20231

**SECOND PRELIMINARY AMENDMENT**

Sir:

Please enter the following Preliminary Amendment for the above-identified continuation patent application.

**AMENDMENTS**

Prior to substantive examination, kindly amend the application as follows.

**In the claims:**

Please cancel claims 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 without prejudice.

**REMARKS**

After entry of this Preliminary Amendment, claims 1, 2, 3, 23, and 24 are pending in the Application. Applicants have canceled claims 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21 and 22 without prejudice and without any intention to abandon the subject matter as filed, but with the intention that claims of the same, greater, or lesser scope may be pursued in this or a continuing application. Applicants respectfully submit that no new matter is introduced by the amendment.

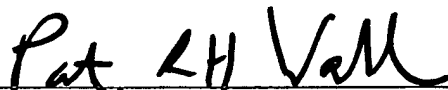
**CONCLUSION**

Applicants respectfully request that the Examiner contact the undersigned representative prior to issuing a first Office Action in this application. Applicants believe that no further fee is due at the time of submission of this paper, however, in the event that any further fees are due, the Director is hereby authorized to charge any such fees to Attorney's Deposit Account No. 20-0531.

The Examiner is invited to telephone Applicants' undersigned representative to discuss any outstanding issues.

Respectfully submitted,

Date: May 31, 2002  
Reg. No. 41,418  
Tel. No. (617) 248-7240  
Fax No. (617) 248-7100

  
\_\_\_\_\_  
Patrick R. H. Wall  
Attorney for the Applicants  
Testa, Hurwitz, & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110

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PATENT  
Attorney Docket No. LEX-002C1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Gillies et al.  
SERIAL NO.: 10/005,212 GROUP NO.: 1646  
FILING DATE: December 4, 2001 EXAMINER: Not Yet Assigned  
TITLE: HETERODIMERIC FUSION PROTEINS USEFUL FOR TARGETED  
IMMUNE THERAPY AND GENERAL IMMUNE STIMULATION

BOX MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

In response to a "Notice to File Missing Parts of Application" dated January 31, 2002,  
Applicants submit the following:

1. a check in the amount of \$980.00 and a check in the amount of \$290.00;
2. a copy of the "Notice to File Missing Parts of Application" (1 pg);
3. a Transmittal Form (1 pg);
4. a Fee Transmittal Form (1 pg);
5. a Preliminary Amendment ( 2 pgs);
6. a petition for a two month extension of time (1 pg); and
7. a return receipt postcard.



Respectfully submitted,

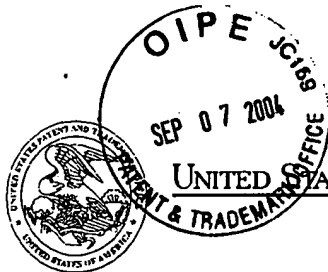
Date: May 31, 2002  
Reg. No. 41,418

Tel. No.: (617) 248-7240  
Fax No.: (617) 248-7100

A handwritten signature in black ink, appearing to read "Pat R. H. Waller", written over a horizontal line.

Patrick R. H. Waller, Ph.D.  
Attorney for Applicant(s)  
Testa, Hurwitz, & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/005,212	12/04/2001	Stephen D. Gillies	LEX-002C1 (4006/13)

CONFIRMATION NO. 6802

## FORMALITIES LETTER



\*OC00000007400024\*

021323  
TESTA, HURWITZ & THIBEAULT, LLP  
HIGH STREET TOWER  
125 HIGH STREET  
BOSTON, MA 02110

Date Mailed: 01/31/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1612.
  - \$576 for 32 total claims over 20.
  - \$756 for 9 independent claims over 3 .
  - \$280 for multiple dependent claim surcharge.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2482.

*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE